



CITY AND BOROUGH OF SITKA

A COAST GUARD CITY

Planning and Community Development Department

AGENDA ITEM

Case No: CUP 23-19
Proposal: Day Care with five or more children
Applicant: Joel Warner
Owner: Sitka Church of Christ
Location: 1113 Edgecumbe Drive
Legal: Lot One (1), Kashevaroff Subdivision
Zone: R-1 - Single-Family/Duplex Residential District
Size: 24,735 square feet
Parcel ID: 1-4590-000
Existing Use: Residential
Adjacent Use: Residential
Utilities: Existing
Access: Edgecumbe Drive and Kashevaroff Street

KEY POINTS AND CONCERNS

- Conditional use permit to operate day care at Sitka Church of Christ
- Intended operations for 12 children, age ranges from infants to 12 years old, and 2 paid employees
- Applying for appropriate Federal, State and local permitting
- Ample space and parking for operations and located near elementary school

ATTACHMENTS

Attachment A: Aerial
Attachment B: Site Plan
Attachment C: Floor Plan
Attachment D: Photos
Attachment E: Applicant Materials
Attachment F: Public Comment

BACKGROUND/PROJECT DESCRIPTION

The applicant is requesting to use the Sitka Church of Christ (Church) at 1113 Edgecumbe Drive as a day care to be operated Monday through Friday from 7:30am to 5:30pm. The Church is located in the R-1 single-family/duplex residential district and has dual street access; the main entrance of the Church is on Edgecumbe Drive with an associated parking lot, and separate access from Kashevaroff Street has an additional parking lot with a connected green space with two additional Church entrances. The applicant is the Minister for the church and intends to fulfill an identified need in Sitka by providing religious based “high quality, reasonably priced childcare in an enriching, safe, and nurturing environment.” The applicant has been working towards this goal by creating Little Blessings Inc. a non-profit, IRS recognized, 501(c)3 corporation and has nearly completed its application to become a licensed childcare provider through the State of Alaska Child Care Program office. To assist in the final State permitting, the applicant is requesting a Conditional Use Permit to establish this day care at the Church to provide childcare for up to twelve (12) children ranging in age from 6 weeks to 12 years old. Little Blessings will be staffed by both volunteers and two paid childcare employees and will utilize rooms within the church as well as an outside play area. Other church activities could potentially take place concurrently with the day care operations, however there is ample parking provided by the two parking lots to meet all off-street parking requirements. The church is buffered by Edgecumbe Drive to the east, Kashevaroff Street to the north, Halibut Point Road adjacent to a large green space to the west and a fence with mature vegetation separating the church from residential houses to the south.

SGC, Footnote 6 to Table 22.16.015-3 General Services Uses states,

“...Day cares with five children or more not related to the provider are a conditional use, in owner occupied detached single-family dwellings only, in the R-1 and related zones.”

The church is considered a legal nonconforming use given its location in the R-1 zone. SGC 22.24.050.F.2 allows changes of nonconforming uses in nonconforming structures as a conditional use. Between the provisions for day cares exceeding five children in R-1 zones, and the church’s status as a nonconforming use, staff determined that the request was best handled through the conditional use permit process.

The use of the church for a day care, even though in residential district, is an ideal location as the church has ample parking, an outside green space, a play area, and is located within walking distance of the public elementary school which already generates additional vehicle traffic and noise throughout the week.

ANALYSIS

1. CRITERIA TO BE USED IN DETERMINING THE IMPACT OF CONDITIONAL USES.¹

a. Amount of vehicular traffic to be generated and impacts of the to nearby land uses: A slight increase in traffic during drop-off and pick-up times could be experienced but unlikely to be noticeable as traffic is increased during this time for elementary school. Edgecumbe Drive and Kashevaroff Street are both large collector streets which already experience high traffic due to schools, churches, recreational facilities, and moderately high residential development in the area.

b. Amount of noise to be generated and its impacts on surrounding land use: Noise impact should be minimal and similar to current use as the church had thirteen children in its Sunday school bible class with outside playtime. Noise generated during the identified day care hours will be similar to the nearby elementary school and Kimsham Complex, additionally the property is surrounded on three sides by road noise.

c. Odors to be generated by the use and their impacts: None to minimal. Minister and paid employees will oversee the children and complete any waste management tasks.

d. Hours of operation: Monday-Friday, 7:30am-5:30pm

e. Location along a major or collector street: Edgecumbe Drive provides access to the main entrance of the church and Kashevaroff Street provides access to an additional parking lot, green space and outside play area.

f. Potential for users or clients to access the site through residential areas or substandard street creating a cut-through traffic scenario: None, church must be accessed from Edgecumbe Drive and Kashevaroff Street, both well maintained municipal rights-of-way.

g. Effects on vehicular and pedestrian safety: None to minimal as there is already high vehicular traffic in the area. Both parking lots are identified for pick-up and drop-off with ample space to be away from the street fronts. Edgecumbe Drive has two sidewalks on each side of the street with Kashevaroff having a sidewalk on the north side of the street.

h. Ability of the police, fire, and EMS personnel to respond to emergency calls on the site: Site is accessible to emergency services.

i. Logic of the internal traffic layout: Both parking lots can accommodate at least 14 vehicles totaling 28 for the property. As the church has seating for 88 parishioners, 9 spaces are required. While parking requirements for children's daycare are not identified there is parking for adult daycare which staff has applied to this case, requiring 7 spaces for this use. The mixed-use total is therefore 16 spaces which easily be accommodated.

j. Effects of signage on nearby uses: Property has signage for the church but no intended signage for the daycare.

¹ § 22.24.010.E

k. Presence of existing or proposed buffers on the site or immediately adjacent the site: The church is buffered by Edgecumbe Drive to the east, Kashevaroff Street to the north, Halibut Point Road adjacent to a large green space to the west and a fence with mature vegetation separating the Church from residential houses to the south.

l. Relationship if the proposed conditional use is in a specific location to the goals, policies, and objectives of the comprehensive plan: The Comprehensive Plan speaks to the need for workforce development and youth engagement, with an emphasis on retaining local employment. Expanded day care services would result in more robust employment for the provider as well as supporting working parents in Sitka in need of childcare.

m. Other criteria that surface through public comments or planning commission review:
None.

RECOMMENDATION

Staff recommends approval of the request for day care operations at 1113 Edgecumbe Drive.

CONDITIONS OF APPROVAL

1. The day care shall be operated consistent with the application, narrative, and plans that were submitted with the request.
2. The number of clients is limited to twelve (12) children at any given time.
3. Permit and use shall comply with all applicable local, state, and federal regulations, including building code, fire and life safety, business registration, and remittance of all applicable taxes.
4. The Planning Commission, at its discretion and upon receipt of meritorious complaint, may schedule a public hearing at any time for the purpose of resolving issues with the request and mitigating adverse impacts on nearby properties.

Motions in favor of approval

1. **“I move to approve the conditional use permit for a day care at 1113 Edgecumbe Drive in the R-1 - Single-Family/Duplex Residential District subject to the attached conditions of approval. The property is also known as Lot One (1), Kashevaroff Subdivision. The request is filed by Joel Warner. The owner of record is Sitka Church of Christ.”**
2. **“I move to adopt and approve the required findings for conditional use permits as listed in the staff report.”**

The Planning Commission shall not approve a proposed development unless it first makes the following findings and conclusions:²

1. The city may use design standards and other elements in this code to modify the proposal. A conditional use permit may be approved only if all of the following findings

² §22.30.160(C)—Required Findings for Conditional Use Permits

can be made regarding the proposal and are supported by the record that the granting of the proposed conditional use permit will not:

- a. Be detrimental to the public health, safety, and general welfare;
 - b. Adversely affect the established character of the surrounding vicinity; nor
 - c. Be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located; *because the property will retain its primary use as a church and be monitored by the applicant to ensure that there are no resulting impacts or disturbances that would negatively affect health, safety, welfare, neighborhood character, or properties in the surrounding vicinity.*
2. The granting of the proposed conditional use permit is consistent and compatible with the intent of the goals, objectives, and policies of the comprehensive plan and any implementing regulation, *because it promotes economic development by supporting parents in the workforce and providing an opportunity for entrepreneurship.*
 3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced; *monitored by the applicant who will be onsite and conditions can be enforced through State and municipal permitting requirements, and conditions provide a means of redress through the Planning Commission.*
 4. The proposed use will not introduce hazardous conditions at the site that cannot be mitigated to protect adjacent properties, the vicinity, and the public health, safety and welfare of the community from such hazard. *No hazardous conditions are expected from the use of the property as a day care facility.*
 5. The conditional use will be supported by, and not adversely affect, adequate public facilities and services; or that conditions can be imposed to lessen any adverse impacts on such facilities and services. *The property is located on a municipal right-of-way and is served by municipally maintained and operated utilities, no adverse impacts on such facilities or services are expected.*
 6. Burden of Proof. The applicant has the burden of proving that the proposed conditional use meets all of the criteria in subsection B of this section. *The applicant has met the burden of proof to demonstrate that the use is appropriate for the zoning district, the character of the neighborhood, and not hazardous or detrimental to the surrounding area.*